

REMARKS/ARGUMENTS

Claims 1-2, 6-15, 17-25, 27-33, 37-41, and 43-47 are pending in this application, with claims 1, 25, 32, and 43 being the only independent claims. Reconsideration of the application in view of above-identified in view of the above amendments and the following remarks is respectfully requested.

Claim Amendments

Each of the independent claims is amended to recite “a first portion of said lockout track extending beyond said intersection to said first end and a second portion of said lockout track extending beyond said intersection to said second end, and the other of said shield and said barrel includes a pin arranged on a resilient lever arm and guidable in said track arrangement”. Support for these limitations is found in claim 6 and in paragraph [0022] and Fig. 6 which shows the intersection at a center position 74 in the lockout track.

Claim 42 is canceled without prejudice or disclaimer.

Rejection of the Claims

Claims 1, 2, 6, 9, 13-18, 23, 25, 32, 33, 37, and 39-43 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,932,940 (Walker).

Claims 1, 18, 20, 21, 24, 25, 27, 29, and 30 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,389,085 (D'Alessio).

Claims 6-12 and 38 stand rejected under 35 U.S.C. §103 as obvious in view of Walker in view of U.S. Patent No. 5,429,612 (Berthier).

Claims 19, 22, 28, and 31 stand rejected under 35 U.S.C. §103 as obvious in view of D'Allesio.

None of the references of record disclose “a first portion of said lockout track extending beyond said intersection to said first end and a second portion of said lockout track extending beyond said intersection to said second end”, as now expressly recited in independent claim 1.

In Walker, a tubular guard 6 includes slots 28 and 32. The Examiner considers the slot 28 of Walker to be the claimed entry slot and slot 32 of Walker to be the claimed lockout slot. However, these slots meet at the proximal ends thereof (see, e.g., Fig. 1 and col. 5, lines 26-36 of Walker). Since the slots 28, 32 of Walker meet at the proximal ends thereof, Walker fails to disclose “a first portion of said lockout track extending beyond said intersection to said first end and a second portion of said lockout track extending beyond said intersection to said second end”, as expressly recited in independent claim 1. Thus, amended independent claim 1 is not anticipated by Walker.

Furthermore, there is no teaching or suggestion for modifying Walker to achieve the claimed configuration.

Similarly, amended independent claim 1 is also not anticipated by D’Allesio. In contrast, to the present invention, D’Allesio discloses a tubular mount 10 with an entrance slot 22 and a locking ledge 25. A cover 30 is arranged over the mount 10 and has a lug 34 which moves in the slots on the mount 10. However, none of the slots intersect each other at central locations. Rather, the slots are connected end-to-end. Accordingly, D’Allesio also fails to disclose “a first portion of said lockout track extending beyond said intersection to said first end and a second portion of said lockout track extending beyond said intersection to said second end”, as expressly recited in independent claim 1. Thus, amended independent claim 1 is not anticipated by D’Allesio.

Furthermore, there is no teaching or suggestion for modifying D'Allesio to achieve the claimed configuration.

Berthier discloses a syringe having a needle protector 8 arranged over a cylindrical slideway 7 with a track arrangement having a U-shaped groove 22 with two branches 23, 24 connected by a circumferential groove 25 (see col. 4, lines 35-39 of Berthier). A resilient tongue (i.e., pin) 26 of the needle protector 8 enters the track arrangement and moves along branch 23 against the urgency of a spring 20. Since the branches of the U-shaped groove are connected end-to-end, Berthier also fails to teach or suggest the limitation “a first portion of said lockout track extending beyond said intersection to said first end and a second portion of said lockout track extending beyond said intersection to said second end”, as expressly recited in independent claim 1.

In view of the above amendments and remarks, independent claim 1 is allowable over the prior art of record.

During a telephone conversation between Examiner MacNeill and Applicants' representative Alfred Froebrich on September 24, 2007, the Examiner suggested the above amendments. The Examiner also indicated that U.S. Patent 6,884,237 (Asbaghi) would be made of record in the next office action. Asbaghi fails to include “the other of said shield and said barrel includes a pin arranged on a resilient lever arm and guidable in said track arrangement”, as now expressly recited in independent claim 1.


Independent claims 25, 32, and 43 include similar limitation to the above-cited limitations of independent claim 1 and are thus allowable for the same reasons as is independent claim 1.

Dependent claims 2, 6-15, 17-24, 27-31, 33, 37-41, and 44-47 are allowable for the same reasons as are independent claims 1, 25, 32, and 43, as well as for the additional recitations contained therein.

The amendments make clear that intersection of the entry track and lockout track occurs at a location between the ends of the lockout track so that portions of the lockout track extend in either direction from the intersection to the two ends of the lockout track.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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